PATENT
514413-3843

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bieringer et al.

Serial No. : 09/691,915

Filed : October 19, 2000

For : SYNERGISTIC HERBICIDAL COMPOSTIONS COMPRISING HERBICIDES FROM THE GROUP OF THE HYDROXYPHENYLPYRUVATE DIOXYGENASE INHIBITORS

Examiner : Clardy, S

Art Unit : 1616

745 Fifth Avenue
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DECLARATION

I, Hermann Bieringer, state that I reside at Eichenweg 26, 65817 Eppstein, I am a citizen of the Federal Republic of Germany; that I am familiar with the subject matter and the prosecution of the instant application Serial No. 09/691,915 filed October 19, 2000, titled SYNERGISTIC HERBICIDAL COMPOSTIONS COMPRISING HERBICIDES FROM THE GROUP OF THE HYDROXYPHENYLPYRUVATE DIOXYGENASE INHIBITORS; that I consider myself qualified by my education, knowledge and many years of experience in agricultural chemistry to make this Declaration; and that I have made the following observations:

1.   The instantly claimed invention is directed to novel herbicidally active compositions comprising herbicides and safeners. In my opinion, the invention is clearly distinguishable from the compositions disclosed in the prior art.

2.   The following tests have been carried out under my supervision and my control. Trials have been conducted in the same manner as described in the specification on pages 24 to 25. Additionally, compound A4 was applied with 2 liters per hectar of the surfactant "actirob B" and 3 kg per hectar of ammonium sulfate.

The values observed in the experimental examples below exceed the expected values according to Colby.

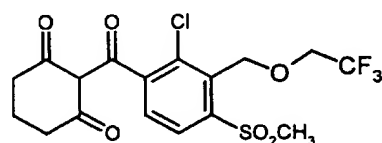The dosage of active ingredient is given in each table.

The abbreviations denote:

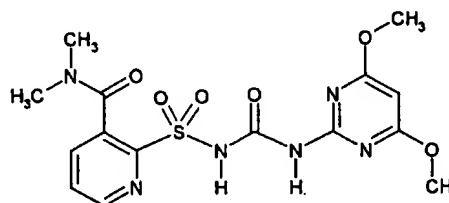|			
AMARE	Amaranthus retroflexus	DIGSA	Digitaria sanguinalis
POROL	Portulaca oleracea	SORHA	Sorghum halepense

Compounds A4 and B (nicosulfuron) were used in the example.

A4   B (nicosulfuron)

The figures denote:

A, B = Activity of Components A and B in percent, at a dosage of a and b gram of ai/ha, respectively.

E   = Expected value in % at a dosage of a+b gram of ai/ha.

Example A

Compound	Dosage	POROL		SORHA	
	[g of ai/ha]	found	value E, (Colby)	found	value E, (Colby)
A4	75	50%		50%	
B	40	0%		62%	
A4 + B	75 + 40	70%	50%	95%	81%

Example B

Compound	Dosage	AMARE		DIGSA	
	[g of ai/ha]	found	value E, (Colby)	found	value E, (Colby)
A4	75	90%		46%	
B	40	90%		50%	
A4 + B	75 + 40	100%	99%	81%	73%

3.   The tables show the herbicidal activity of the single compounds in comparison to that of the composition according to the invention. The trials have been conducted under post-emergent conditions. They reveal that herbicidal compositions according to the invention show better herbicidal activity than would be expected.

4.   Therefore, it is my opinion that the instant invention is clearly different from and is not obviated by De Gennaro (US 6,046,134).

5.   I conclude that the combinations according to the instant invention are significantly and unexpectedly superior to that of De Gennaro (US 6,046,134).

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 23th day of April, 2003

Signed: